

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FAMILIAS UNIDAS POR LA EDUCACION, Plaintiff,	§ § § § § § § § § §	v. EP-20-CV-00170-DB-ATB
EL PASO INDEPENDENT SCHOOL DISTRICT, Defendant.		

ORDER CONTINUING MEDIATION

On this day, the Court considered the status of the above-styled and numbered cause. On October 3, 2022, the parties appeared and participated in a mediation before United States Magistrate Judge Anne T. Berton. Thereafter, both parties agreed to continue this mediation. Accordingly, the Court **HEREBY ORDERS** the parties to appear for a mediation by **VIDEO ZOOM CONFERENCE on Friday, October 7, 2022.**¹ The mediation will take place from **8:30 a.m. to 12:00 p.m.** before United States Magistrate Judge Anne T. Berton.

The parties must be present at the mediation. In the case of an entity, such as a corporation or governmental entity, it is typical for a mediation to require an officer or other representative with complete authority to enter into a binding settlement to be present.² A person with “complete authority” is someone who has the experience and judgment to exercise that authority without having to consult with anyone who is not in attendance at the mediation. However, both parties

¹ The link for the video conference will be forwarded to you no later than twenty-four hours before the scheduled hearing. Please click on the link at the scheduled time of the hearing on your smart phone or tablet to join the video conference. Contact the Court's Law Clerk, Omid Abaei, at Omid_Abaei@txwd.uscourts.gov, with any questions and for any further instructions.

² This requirement will only be waived upon a showing of exceptional circumstances. If counsel believes that such circumstances exist, a letter detailing why the Court should excuse the representative from personal attendance should be electronically filed for consideration at least ten days before the scheduled mediation or immediately upon learning of the extenuating circumstances, whichever event is earlier.

have contacted the Court to inform them that their respective Board's will not be able to attend. Therefore, both parties will be attending the mediation without complete authority, but with a special arrangement.³ The Court has approved this arrangement.

IT IS THEREFORE FURTHER ORDERED that Plaintiff shall submit a written offer to Defendant on or before Wednesday, October 5, 2022, with a copy to the Court.

IT IS THEREFORE FURTHER ORDERED that Defendant shall likewise submit a written offer to Plaintiff on or before Friday, October 7, 2022, with a copy to the Court.

Most importantly, the parties are reminded that the mediation will be confidential, and disclosure of confidential dispute resolution communications is prohibited. *See* 28 U.S.C. § 652(d); W.D. Tex. Civ. R. 88.

SO ORDERED.

SIGNED and **ENTERED** this 3rd day of October, 2022.

A handwritten signature in black ink, appearing to read 'ATB', is written over a horizontal line.

ANNE T. BERTON

³ The Defendants have already notified the Court that the El Paso Independent School District Superintendent will be attending the mediation but that she will not have complete authority to approve any agreements that arise from the mediation, as the El Paso Independent School District Board of Trustees must give approval to a settlement of the lawsuit by a majority vote at a properly noticed public meeting. Accordingly, the Board will not be attending the mediation.

Instead, the parties have agreed that if a proposed settlement agreement were to be acceptable to both sides present at the mediation, the agreement would subsequently be presented to the El Paso Independent School District Board of Trustees, with the recommendation from outside counsel, general counsel for the District, and the District Superintendent, that the Board approve the terms of the settlement. However, final approval will be subject to independent approval by the Board.

The Plaintiffs have entered into a similar agreement. The President of the Board of Familias Unidas will be attending the mediation but will not have complete authority to approve any agreements that arise from the mediation. Rather, Plaintiff will submit any proposed settlement terms that are acceptable for consideration and vote by its Board within 5 business days of the mediation with the recommendation from Plaintiff's President and counsel that the settlement proposal be approved.

UNITED STATES MAGISTRATE JUDGE